

74. Future Response Costs.

a. Settling Defendant shall reimburse the EPA Hazardous Substance Superfund for all Future Response Costs not inconsistent with the National Contingency Plan, including costs ~~With respect to Future Response Costs~~ incurred by the Government Project Coordinator and its team for construction and long-term oversight. ~~Settling Defendant shall reimburse the EPA Hazardous Substance Superfund for such oversight costs that are not inconsistent with the Oversight Scope [gov't checking- need to see Oversight Scope ASAP].~~ The United States will send Settling Defendant a bill requiring payment that includes a Superfund Cost Organization Recovery Enhancement System report on a periodic basis. Settling Defendant shall make all payments within forty-five (45) days of Settling Defendant's receipt of each bill requiring payment except as otherwise provided in Paragraph 75. The Settling Defendant shall make all payments required by this Paragraph in the form of a certified or cashier's check or checks made payable to "EPA Hazardous Substance Superfund" and referencing the EPA Region and Site/Spill ID #103D, the DOJ case number 90-11-3-128L, and the name and address of the party making payment. The Settling Defendant shall send the check(s) to:

U.S. Environmental Protection Agency
EPA Hazardous Substance Superfund
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

and shall send copies of the check(s) to the United States as specified in Section XXVII (Notices and Submissions) and to:

Regional Financial Management Officer
U.S. EPA Region 10
1200 Sixth Avenue
Seattle, WA 98101

b. Settling Defendant shall pay the State for all State Future Response Costs not inconsistent with the National Contingency Plan, including costs ~~With respect to State Future Response Costs incurred by the Government Project Coordinator and its team,~~ for construction and long-term oversight. ~~Settling Defendant shall reimburse the State for such oversight costs that are not inconsistent with the Oversight Scope.~~ Each year, no later than April 1, the State shall provide Settling Defendant a detailed written budget for the following budget year. No later than forty-five (45) days prior to the beginning of each budget year (July 1), except as otherwise provided in Paragraph 75, the Settling Defendant shall fund the first two quarters of the estimated budget. No later than forty-five (45) days after the end of each quarter, the State shall provide Settling Defendant with an accounting of actual response costs incurred in such quarter. Payments by Settling Defendant of the third and fourth quarter budget shall be made no later than forty-five (45) days prior to each such quarter, except as otherwise provided in Paragraph 75, and shall be reconciled against actual response costs incurred in the preceding quarters. Settling Defendant shall pay only those costs not inconsistent with the National Contingency Plan and the Oversight Scope. Payments required by this Paragraph shall be made by check made payable to "Idaho Division of Environmental Quality" and shall reference this Consent Decree.

c. Settling Defendant shall reimburse the Tribe for all Tribal Future Response Costs not inconsistent with the National Contingency Plan, including costs ~~incurred by the Government Project Coordinator and its team,~~ for construction and long-term oversight. Tribal

Future Response Costs shall be ~~from January 1, 2000~~ adjusted for any shortfall or surplus funds provided for the September 1, 1999 through December 31, 1999 projection period referenced in Paragraph 73.f. above. ~~With respect to Tribal Future Response Costs, Settling Defendant shall reimburse the Tribe for such oversight costs that are not inconsistent with the Oversight Scope.~~ The Tribe will send Settling Defendant a bill requiring payment that includes a Tribally-prepared cost summary, which includes direct and indirect costs incurred by the Tribe and its contractors on a periodic basis. Settling Defendant shall make all payments within forty-five (45) days of Settling Defendant's receipt of each bill requiring payment, except as otherwise provided in Paragraph 75. The Settling Defendant shall make all payments to the Tribe required by this Paragraph by check made payable to Coeur d'Alene Tribe and sent to the Tribal Natural Resources Project Manager, 424 Sherman Avenue, Suite 306, Coeur d'Alene, ID 83814.

d. The Parties acknowledge that in implementing this Decree, each Plaintiff intends to perform independent oversight of Settling Defendant's performance of the Work. In carrying out their oversight responsibilities under this Decree, the Plaintiffs intend to make good faith efforts to coordinate their oversight activities. By avoiding the unnecessary duplication of oversight activities, the Plaintiffs intend to reduce the incurrence of Future Response Costs associated with such oversight activities.

75. Settling Defendant may contest payment of any Future Response Costs under Paragraph 74 if it determines that the United States, the State or the Tribe has made an accounting

error or if it alleges that a cost item that is included represents costs that are inconsistent with the NCP-
~~and/or the Oversight Scope.~~ Such objection shall be made in writing within forty-five (45) days of
receipt of the bill